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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	76649149
Applicant	I.O.B. Realty, Inc.
Applied for Mark	PATSY'S PIZZERIA
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Submission	Response to Order
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Filer's Name	Rebecca Stempien Coyle
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Signature	/Rebecca Stempien Coyle/
Date	02/17/2016

Attorney Docket No. PAT001US

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

Applicant: I.O.B. Realty, Inc.

Date: February 17, 2016

Appl. No.: 76/649,149

Examining Attorney: Mizelle-Howard, D.

Filed: October 25, 2005

Law Office: 110

Mark: PATSY'S PIZZERIA

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**RESPONSE TO ORDER**

Box TTAB – No Fee  
Commissioner for Trademarks  
P.O. Box 1451  
Alexandria, Virginia 22313-1451

Madam:

The Applicant submits this response to an Order dated January 19, 2016, in the *ex parte* appeal for Application No. 76/649,149, requesting a status update of the civil action which occasioned the suspension of this proceeding.

The civil action which is the basis of the suspension of this proceeding remains pending. On January 12, 2016, the United States District Court for the Eastern District of New York issued a Summary Order Adopting the Special Master's Report and Recommendation. On February 10, 2016, the defendants in the civil action filed an appeal of that decision to the United States Court of Appeals for the Second Circuit.<sup>1</sup> The Parties have not yet filed any briefs in the appeal.

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<sup>1</sup> The Applicant will provide the Board with copies of any of the documents filed or entered in the civil action and/or appeal upon request.

In addition to the civil action which occasioned the suspension of this proceeding, the Applicant alerts the Board to the fact Registration No. 3,090,551, which is the sole basis of the final refusal to register Application No. 76/649,149, is now subject to a cancellation proceeding before the Board. Specifically, a counterclaim to cancel Registration No. 3,090,551 has been brought in Opposition Number 91/221,726 (the “cancellation proceeding”). *See* Dkt. 6. On August 28, 2015, the owner of Registration No. 3,090,551 brought a motion to suspend the cancellation proceeding pending the outcome of the same civil action. The Parties fully briefed the motion to suspend.<sup>2</sup> No further action has occurred in the cancellation proceeding to date.

In light of the ongoing proceedings in the civil action and the cancellation proceeding, the Applicant respectfully requests that this proceeding remain suspended pending final disposition of the civil action and the cancellation proceeding.

Respectfully submitted,

/ Rebecca J. Stempien Coyle /  
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<sup>2</sup> The Applicant will provide the Board with copies of any of the documents filed or entered in the cancellation proceeding upon request.